

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Averback, Jonathan[Averback.Jonathan@epa.gov]; Keith, Jennie[Keith.Jennie@epa.gov]; Fort, Daniel[Fort.Daniel@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]
From: Doster, Brian
Sent: Mon 6/5/2017 8:04:06 PM
Subject: RE: Comments alleging ethics preclude Administrator participation in Clean Air Act rule
ARLO RMP Rule comment regarding Administrator ethical obligations - revised response.docx

Justina,

Ex. 5 - Deliberative Process

Brian

From: Fugh, Justina
Sent: Thursday, June 01, 2017 5:39 PM
To: Doster, Brian <Doster.Brian@epa.gov>
Cc: Averback, Jonathan <Averback.Jonathan@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Fort, Daniel <Fort.Daniel@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: Comments alleging ethics preclude Administrator participation in Clean Air Act rule

Hi there,

The ethics answer is that the Administrator does not have any restriction under federal ethics laws or regulations or the Executive Order 13,770 (the Trump ethics pledge). While I do not opine authoritatively on an attorney's bar rules, I know that rule 1.11 is not applicable here because the issue does not involve a specific party matter.

With respect to the proposed response, see my edits:

Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Doster, Brian

Sent: Thursday, June 01, 2017 2:32 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Fort, Daniel <Fort.Daniel@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>

Cc: Averbach, Jonathan <Averbach.Jonathan@epa.gov>

Subject: Comments alleging ethics preclude Administrator participation in Clean Air Act rule

Ethics team:

I left a voice message for Justina about this, but her message said she is trying to write and hoping to avoid getting sidetracked by new items. So I am casting a wider net with this message

because this item is somewhat time sensitive.

Ex. 5 - Deliberative Process

Thanks,

Brian

Brian L. Doster

Assistant General Counsel for NSR, Radiation, and Emergency Response

Air and Radiation Law Office

Office of General Counsel

(202) 564-1932